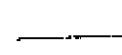


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FEBRUARY 26, 2008MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**RECEIVED**FEB 19 2008
*Feb 19 2008 MWS*MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTAntoine M. Gee
ID#39819(Enter above the full name
of the plaintiff or plaintiffs in
this action)08cv1020
JUDGE KOCORAS
MAGISTRATE JUDGE BROWN

vs.

Case # _____
(To be supplied by the Clerk of this Court)Joseph Burke, Mark WilsonAnthony Davis, Michael GrantJeslin Allen, Brian GivensWilliam Brown, Michael BuczkowskiSandy Thompson, Med Tech-WendyJeff Sawyer, S/o Palma(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")**CHECK ONE ONLY:****COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION
1983 U.S. Code (state, county, or municipal defendants)****COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION),
TITLE 28 SECTION 1331(a) U.S. Code (federal defendants)****OTHER (cite statute, if known)****BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

A. Name: ANTOINE McGEE #0# 8-39819

B. List all aliases: Gregory Redmond

C. Prisoner identification number: B-39819

D. Place of present confinement: Hill CORR center

E. Address: 600 S. Cimwood Rd. Galesburg IL 61401

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

A. Defendant: Mark Wilson
Title: Lieutenant
Place of Employment: Statesville CORR. Center

B. Defendant: Anthony Davis
Title: Lieutenant
Place of Employment: Statesville CORR. Center

C. Defendant: Michael Grant
Title: Sergeant
Place of Employment: Statesville CORR. center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES NO If there is no grievance procedure, skip to E.

B. Have you filed a grievance concerning the facts in this complaint?

YES NO

C. If your answer is YES:

1. What steps did you take?

filed a grievance to unit counselor

and never received a response

2. What was the result?

None

3. If the grievance was not resolved to your satisfaction, did you appeal?

What was the result (if there was no procedure for appeal, so state.)

filed grievance at statesville no response, returned to Hill CORR. Center filed a grievance Springfield no response

D. If your answer is NO, explain why not:

due to failure of response from Springfield.

E. Is the grievance procedure now completed? YES () NO (✓)

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (✓) NO ()

G. If your answer is YES:

1. What steps did you take?

Requested Medical Attention.

2. What was the result?

I did not receive any attention until I arrived back at Hill Corr Center.

H. If your answer is NO, explain why not:

due to nobody was allowed to leave the unit and because I was a court writ.

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

A. Name of case and docket number: None

B. Approximate date of filing lawsuit: None

C. List all plaintiffs (if you had co-plaintiffs), including any aliases: None

D. List all defendants: None

E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): None

F. Name of judge to whom case was assigned: None

G. Basic claim made: None

H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): None

I. Approximate date of disposition: None

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On May 26th 2005 I Antoine McGee was on a Court writ and was housed in F-House cell #350 and an incident took place, whereas the Correctional officials created this entire incident when they went to cell #109 and started calling the inmate in that cell a "Baby Raper" and ordered the tower officer to open the cell #F-109 without handcuffing the inmate who was in segregation and an extreme escape risk. After beating this inmate a fire was set by the back door and the officials deliberately stood by and allowed this fire to burn out of control. While two known aggressors (Lt. Brown and Lt. Givens) went to cell #F-109 and placed two cans of mace in the chuckhole and emptied them after the fact that mace was already sprayed in cell #F-109. This incident escalated out of control as inmates gasped for air and banged on doors asking the correctional officials to open the door to let the smoke out. The unit Lt. Wilson, Sgt. Grant, ~~CW99~~ dancing in front of the unit stating that they were going to get paid, that

they had Afloc. As these officials stood by the fire was well on its way to burn out of control and the top of the cellhouse was filled with thick black toxic smoke whereas you couldn't see the cell across the gallery and there were several mattresses and 12-20 large bags filled with styrofoam trays and other garbage in them. I then started to call all officials that I know by name Sgt. Grant, Lt. Davis, Lt. Buczkowski, Lt. Wilson, % Allen, % Palma and Lt. Sawyer and not one official took steps to come see what I wanted and I told them I could not breathe and Lt. Buczkowski went so far as to say put some pressure on your bunk and you will be alright. The next day I saw Med-Tech Sandy Thompson I stated to him I was having breathing problems and that I needed to see a doctor and I was told that he Sandy would try to get me over to the doctor and it never happen and I was also told by Med-Tech Wendy that she was not taken nobody out of their cell for nothing that I need to see the morning Med-Tech I didn't receive any medical attention until my arrival back to Hill corr. center. These officials denied me my constitutional rights and violated my 8th Amendment by denial of protection of my health and safety due to their deliberate indifference and their cruel and unusual punishment I still suffer from inhaling toxic smoke. Every official name⁷ is sued in their own individual capacity.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

to be awarded compensatory damages as
well as to nominal and punitive damages
for as to longstanding and passive and
deliberate indifference to protect my health and
safety for the sum of \$450,000, and
whatever the court feels that should be
appropriate, plus copying fees, and I want defendant
to be criminally prosecuted for violating my
civil rights.

I declare under penalty of perjury that all facts
given in the complaint are true and correct.

Signed this 10th day of January, 2008

Antoinette M. Klein
(Signature of plaintiff or plaintiffs)

B-39819
(I.D. Number)

P.O. Box - 1700
Galesburg IL
61401

(Address)

AFFIDAVIT OF AFFIRMATION UNDER PENALTY OF PERJURY

I, Antoine McGee, affiant, do hereby declare and affirm under penalty of perjury as defined in 735 ILCS 5/1-109 that everything contained herein is true and accurate to the best of my knowledge and belief. I further declare and affirm that the contents of the foregoing documents are known to me and are accurate to the best of my knowledge and belief.

Signed on this 10th day of Jan, 2008.

Antoine McGee
Affiant

Any pleading, affidavit or other document certified in accordance with 735 ILCS 5/1-109 may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath.

Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any pleading, affidavit or other document certified by such person in accordance with this Section shall be guilty of a Class 3 felony.

Defendant: Lt. Buckowski

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: Lt. Brown

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: Lt. Givens

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: Lt. Sawyer

Title: Lieutenant

Place of Employment: Statesville Corr. Center

Defendant: J. Allen

Title: Correctional Officer

Place of Employment: Statesville Corr. Center

Defendant: Palma

Title: Correctional Officer

Place of Employment: Statesville Corr. Center

Defendant: S. Thompson

Title: Med-Tech

Place of Employment: Statesville Corr. Center

Defendant: Wendy

Title: Med-Tech

Place of Employment: Statesville Corr. Center

Defendant: Lt. Wilson subjected Plaintiff to cruel and unusual punishment by not taking control of the situation by him being an authority figure when the incident first took place. He failed to protect Plaintiff health and safety by standing by and allowing the fire to continue to burn and stating he was going to get paid because he had afac. by the Lieutenant not taking control of the Sargent and Yo's is definitely deliberate indifference.

Defendant: Sgt. Grant was deliberately indifference and denied Plaintiff protection of health and safety and subjected the Plaintiff to cruel and unusual punishment by creating this horrific atmosphere and by throwing a lit cigarette in the garbage and not trying to put out the fire as it burned out of control

Defendant: Lt. Buczowski was deliberately indifference and denied the Plaintiff protection of health and safety and subjected Plaintiff to cruel and unusual punishment by not stepping up to right the wrong that was being demonstrated and when he was called upon for help he stated "put some pressure on your bunk and you will be alright."

Defendant: Med-Tech Thompson was deliberately indifference when he failed help or protect the safety and health of Plaintiff when the Plaintiff asked for help, the Plaintiff constitutional rights were denied and the Plaintiff was subjected to cruel and unusual punishment when no help was given.

Defendant: Lt. Givens was deliberately Indifferenced by denial the plaintiff protection of health and safety and subjected the plaintiff to cruel and unusual punishment, when Lt. Givens and brown both opened up the chuckhole and emptied two cans of mace inside knowing the area was small and the chemicals agent would cause breathing problems for the entire unit.

Defendant: Lt. Brown Subjected the plaintiff to cruel and unusual punishment by denying the plaintiff health and safety to be protected whereas Lt. Brown joined Lt. Givens at the cell to spray two full cans of mace inside when he had no reason to. Plaintiff informed both officials that he was having breathing problems they both stated let the fucker burn and did not attempt to put out the fire.

Defendant: Lt. Sawyer denied the plaintiff of his constitutional rights that guarantees that prison officials provide safety to inmates but Lt. Sawyer simply just watched as the fire burned along with other officials this subjected Plaintiff to cruel and unusual punishment.

Defendant: Lt. Davis subjected plaintiff to cruel and unusual punishment by not taking control of the situation since he was the Lieutenant in charge of the shift. Lt. Davis failed to protect Plaintiff health and safety by standing by and stating let it burn they will learn next time not to mess with the staff by Lt. Davis not taking control of the situation and his fellow co-workers (correctional officials) is truly deliberate Indifference of health and safety caused by staff.

(3)

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Defendant- Deputy Director Joseph Burke subjected the plaintiff to cruel and unusual punishment and was deliberately indifferent because he failed to protect the health and safety of plaintiff, whereas the plaintiff put the officials on notice about the staff and Go's.

Defendant- Med-Tech Wendy Subjected the plaintiff to cruel and unusual punishment and was deliberately indifference when she failed to help and protect the health and safety of the plaintiff when the plaintiff asked for help the plaintiff constitutional rights were denied.

IN THE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Antoine McGee

Plaintiff/Petitioner

No. _____

vs.
JOSEPH BURKE ET AL

Defendant/Respondent

PROOF/CERTIFICATE OF SERVICE

TO: Prisoner Correspondence

Northern District of Illinois

819 S. Dearborn St.

Chicago IL 60604

TO: _____

PLEASE TAKE NOTICE that on 1-10, 2008, I placed the documents listed below in the institutional mail at Hill Correctional Center Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: Hill Correctional center P.O.
Box-1700 Galesburg IL 60604

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109 I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge and belief.

DATED: 1-10-08

for Antoine McGee
NAME: Antoine McGee
IDOC No. B-39819

Hill Correctional Ctr.
POB 1700
Galesburg, IL